CARLSMITH BALL LLP

IAN L. SANDISON 5597
TIM LUI-KWAN 2271
JOHN P. MANAUT 3989
ASB Tower, Suite 2100
1001 Bishop Street
Honolulu, HI 96813
Tel No. 808.523.2500
Fax No. 808.523.0842
isandison@carlsmith.com
tluikwan@carlsmith.com
JPM@carlsmith.com

Attorneys for Applicant UNIVERSITY OF HAWAI'I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Ka'ohe Mauka, Hāmakua, Hawai'i, TMK (3) 4-4-015:009 Case No. BLNR-CC-16-002

APPLICANT UNIVERSITY OF HAWAI'I AT HILO'S **EXHIBIT LIST**; CERTIFICATE OF SERVICE

CONTESTED CASE HEARING:

DATE: October 18, 2016

TIME: 9:00 a.m.

HEARING OFFICER: Hon. Riki May

Amano (Ret.)

APPLICANT UNIVERSITY OF HAWAI'I AT HILO'S EXHIBIT LIST

Exhibit No.	Description
A-1. (R-1)	Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope (TMT) Project from the University of Hawaii (September 2, 2010)
A-2. (R-2)	TMT Project Chapter 343 Final Environmental Impact Statement (EIS) Summary Sheet
A-3. (R-3)	TMT Final EIS Volume 1 (May 8, 2010)
A-4. (R-4)	TMT Final EIS Volume 2 (May 8, 2010)
A-5. (R-5)	TMT Final EIS Volume 3 (May 8, 2010)

Exhibit No.	Description
A-6. (R-6)	Acceptance Letter of the Governor Regarding TMT Final EIS (May 19, 2010)
A-7. (R-7)	OCCL Staff Report on CDUA HA-3568 for the TMT (February 25, 2011)
A-8. (R-8)	Exhibits to OCCL Staff Report on CDUA HA-3568 for the TMT
A-9.	Mauna Kea Comprehensive Management Plan (January 2009)
A-10.	Natural Resource Management Plan (September 2009)
A-11.	Cultural Resources Management Plan (October 2009)
A-12.	Public Access Plan (January 2010)
A-13.	Decommissioning Plan (January 2010)
A-14.	OCCL Staff Report, Resource Subplans (March 25, 2010)
A-15.	2010 Annual Report (April 1, 2010)
A-16.	2010 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions
A-17.	2011 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions
A-18.	2012 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions
A-19.	2013 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions
A-20.	2014 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions
A-21.	2015 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions
A-22.	2016 Annual Report to the Board of Land and Natural Resources, Status of the Development of the Comprehensive Management Plan's Management Actions
A-23.	OCCL Case File (correspondence) (October 7, 2010)

Exhibit No.	Description
A-24.	Presentation for TMT to BLNR (February 25, 2011)
A-25.	Presentation against TMT; CC Request (February 25, 2011)
A-26.	Minutes from BLNR Meeting (February 25, 2011)
A-27.	Staff Report on Request for Contested Case Hearing (February 25, 2011)
A-28.	Petitions for Contested Case (Flores-Case Ohana & Mo'oinanea) (March 2, 2011)
A-29.	Petitions for Contested Case (KAHEA, Mauna Kea Anaina Hou, Neves, Ward, Ching) (March 7, 2011)
A-30.	Curriculum Vitae of Perry J. White
A-31.	Demonstrative exhibits for Perry J. White
A-32.	Curriculum Vitae of Günther Hasinger
A-33.	UH Economic Research Organization (UHERO) Report
A-34.	Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve, Report No. 14-07 (August 2014)
A-35.	Curriculum Vitae of Testimony of James T. Hayes
A-36.	Demonstrative exhibits for James T. Hayes
A-37.	Curriculum Vitae of Clifford Smith
A-38.	Demonstrative exhibits for Robert McLaren (Decommissioning Plan, Figure 1)
A-39.	Letter from David Lassner, President, University of Hawai'i to Governor David Ige (November 17, 2015)
A-40.	Maunakea Invasive Species Management Plan
A-41.	Curriculum Vitae of Jesse Eiben
A-42.	Eiben & Rubinoff, Application of Agriculture-Developed Demographic Analysis for the Conservation of the Hawaiian Alpine Wekiu Bug (2014)
A-43.	Curriculum Vitae of Tom Nance
A-44.	Demonstrative Exhibits for Tom Nance
A-45.	Curriculum Vitae of Sara Collins
A-46.	PowerPoint Presentation Regarding an Overview of the TMT Project

Exhibit No.	Description
A-47.	PowerPoint Presentation of Stephanie Nagata Regarding Mauna Kea Management
A-48.	Mauna Kea Reserve Master Plan adopted June 16, 2000
A-49.	Results for the TMT Proposed Site Evaluation for the Wekiu Bug: Fall 2008
A-50.	Letter: DLNR Letter Approving of Mauna Kea Comprehensive Management Plan dated April 15, 2009
A-51.	Final Environmental Assessment for the Comprehensive Management Plan filed April 23, 2009
A-52.	Major Project Sequence of Steps approved by MKMB October 14, 2009
A-53.	Letter from State Historic Preservation Division Regarding Archaeological Inventory Survey for the Astronomy Precinct dated December 28, 2009
A-54.	Visual Impact Assessment Technical Report dated December 2009
A-55.	Final Archaeological Inventory Survey of the Astronomy Precinct dated January 2010
A-56.	Final Archaeological Inventory Survey of the Mauna Kea Access Road Management Corridor dated February 2010
A-57.	Letter from State Historic Preservation Division Regarding Archaeological Inventory Survey for the Mauna Kea Access Road Management Corridor dated February 11, 2010
A-58.	Minutes: Board of Regents Meeting, February 18, 2010
A-59.	Minutes: Mauna Kea Management Board, February 25, 2010
A-60.	Letter from DLNR Regarding Approval of Sub Plans dated April 12, 2010
A-61.	Minutes: Mauna Kea Management Board, April 21, 2010
A-62.	Minutes: Mauna Kea Management Board, May 19, 2010
A-63.	Letter from State Historic Preservation Division Regarding Archaeological Inventory Survey for the Science Reserve dated May 26, 2010
A-64.	Minutes: Board of Regent's Meeting, June 28, 2010
A-65.	Minutes: Mauna Kea Management Board, Wednesday, September 1, 2010
A-66.	Letter from State Historic Preservation Division Regarding Archaeological Inventory Survey for the Thirty Meter Telescope

Exhibit No.	Description
	Observatory Project dated January 27, 2011
A-67.	Cultural Impact Study by PHRI
A-68.	Figure 1.3: Mauna Kea Summit Region: Existing Facilities, Features, & Future Development Areas
A-69.	Planning Guide for the 2000 UH Master Plan
A-70.	Final Environmental Impact Statement for the Outrigger Telescopes Project - Vol. 1 dated February 2005 (Excerpts)
A-71.	Summary of TMT Mitigation Measures
A-72.	REMOVED
A-73.	March 25, 2008 Letter from Ku'iwalu regarding Notice of Land Board Briefing on the CMP for Mauna Kea at its April 11, 2008 meeting
A-74.	April 10, 2008 Letter from Mauna Kea Anaina Hou to BLNR regarding April 11, 2008 Hearing and Comments
A-75.	May 13, 2008 Transcript of the Mauna Kea CMP Community Hearing
A-76.	Letter from Sandra Dawson, TMT to Paul Campbell regarding start of environmental process for proposed telescope project
A-77.	Letter from Sandra Dawson, TMT to Clarence Ching regarding start of environmental process for proposed telescope project
A-78.	Letter from Sandra Dawson, TMT to Royal Order of Kamehameha I regarding start of environmental process for proposed telescope project
A-79.	August 25, 2008 Letter from Ku'iwalu to William Tam regarding Plaintiffs concern regarding participation
A-80.	Letter from Sandra Dawson, TMT to Kealoha Pisciotta regarding start of TMT environmental process.
A-81.	September 24, 2008 Record Detail (Deborah Ward)
A-82.	October 8, 2008 Sign-In Sheet "Thirty Meter Telescope Public Scoping Meeting"
A-83.	October 14, 2008 Sign-In Sheet "Thirty Meter Telescope Public Scoping Meeting"
A-84.	October 16, 2008 Sign-In Sheet "Thirty Meter Telescope Public Scoping Meeting"
A-85.	October 24, 2008 Testimony in Opposition to the TMT Project and EA/EIS Process by Mauna Kea Anaina Hou, The Royal Order of

Exhibit No.	Description
	Kamehameha I, and Clarence Kukauakahi Ching
A-86.	November 18, 2008 Transcript of Mauna Kea CMP Public Hearing (Excerpts)
A-87.	March 20, 2009 Letter from Deborah Ward to the Mauna Kea Management Board regarding Comments on CMP
A-88.	May 22, 2009 Email from info@tmt-hawaiieis.org to dward@hawaii.edu regarding draft EIS - TMT observatory project
A-89.	June 17, 2009 Sign-In Sheet "Thirty Meter Telescope Draft EIS Public Review and Comment Meeting"
A-90.	June 25, 2009 Sign-In Sheet "Thirty Meter Telescope Draft EIS Public Review and Comment Meeting"
A-91.	July 7, 2009 Letter from Kealoha Pisciotta, Clarence Kukauakahi Ching, Paul K. Neves to TMT Observatory Project, Office of Environmental Quality Control regarding TMT draft environmental impact statement
A-92.	August 14, 2009 Email regarding copies of the Mauna Kea CRMP and Mauna Kea NRMP for public examination
A-93.	Open House Advertisements and dates of publication in the West Hawaii Today and Tribune-Herald
A-94.	October 29, 2009 Letter from Mauna Kea Anaina Hou to Jeff Melrose regarding Public Access Plan
A-95.	KAHEA Comments of BLNR subplans; Exhibit A
A-96.	November 24, 2009 Email regarding the development of the Public Access Plan and Decommissioning Plan for public examination
A-97.	January 2010 Draft Mauna Kea Science Reserve AIS Vol. 1
A-98.	January 27, 2010 filed Order Granting Appellees UH and UH Institute for Astronomy's Motion to Dismiss Appeal Filed October 20, 2009; Civil No. 09-1-336
A-99.	March 24, 2010 Sierra Club BLNR subplan testimony
A-100.	March 25, 2010 BLNR Meeting and Amended Comments on the Proposed CRMP by Clarence K. Ching
A-101.	March 25, 2010 Testimony of Paul K. Neves and Mauna Kea Anaina Hou at the BLNR Public Hearing
A-102.	April 21, 2010 Approved Minutes of the MKMB
A-103.	May 8, 2010 Letter with Enclosure from Rose Tseng to Clarence "Ku" Ching regarding comments received on draft environmental

Exhibit No.	Description
	impact statement and final environmental impact statement - thirty meter telescope observatory project
A-104.	May 8, 2010 Letter with Enclosure from Rose Tseng to Kealoha Pisciotta regarding comments received on draft environmental impact statement and final environmental impact statement - thirty meter telescope observatory project
A-105.	May 8, 2010 Letter with Enclosure from Rose Tseng to Paul K. Neves regarding comments received on draft environmental impact statement and final environmental impact statement - thirty meter telescope observatory project
A-106.	May 19, 2010 Approved Minutes of the MKMB
A-107.	September 1, 2010 Minutes of the MKMB
A-108.	Batch Plant Runoff Topography
A-109.	Visualization of TMT Observatory from the Northern Ridge of Kūkahau'ula
A-110.	Visualizations of TMT Observatory from Pu'u Poli'ahu
A-111.	Management and Implementation Framework for Project Development
A-112.	Range, Habitat, and Ecology of the Wekiu Bug (October 2002) (Excerpts)
A-113.	Hawaii Biological Survey - Results of 2004 Wekiu Bug Surveys on Mauna Kea (February 2005) (Excerpts)
A-114.	Hawaii Biological Survey - Results of 2005 Wekiu Bug Surveys of Mauna Kea (March 2006) (Excerpts)
A-115.	Hawaii Biological Survey - Results of the 2006 Wekiu Bug Surveys on Mauna Kea (April 2007) (Excerpts)
A-116.	Hawaii Biological Survey - Results of the 2007-2008 Alien Arthropod Species and Wekiu Bug Monitoring on Mauna Kea (December 2009) (Excerpts)
A-117.	Hawaii Biological Survey - Results of the 2009 Alien Species and Wekiu Bug Surveys on Mauna Kea (July 2010) (Excerpts)
A-118.	Hawaii Biological Survey - Preliminary Results of the 2010 Wekin Bug Survey on Mauna Kea (Excerpts)
A-119.	Curriculum Vitae of Richard Nees
A-120.	Curriculum Vitae of Chad Kālepa Baybayan

Exhibit No.	Description
A-121.	University of Hawai'i Strategic Directions 2015-2021
A-122.	McCoy, Patrick C. & Richard C. Nees. Final Archaeological Inventory Survey of the Mauna Kea Ice Age Natural Area Reserve Ka'ohe Ahupua'a, Hāmākua District, Island of Hawai'i dated August 2013
A-123.	Park & Walden. Final Archaeological Inventory Survey of Hale Pohaku Rest House 1 and Comfort Station, Ka'ohe Ahupua'a, Hāmākua District, Island of Hawai'i (Volume 1) dated February 2010

One (1) hardcopy of each of the above-listed exhibits are attached hereto and filed concurrently herewith. A flash drive with an electronic copy of each exhibit is also included.

DATED: Honolulu, Hawai'i, October 11, 2016.

IÁN L. SANDISON TIM LUI-KWAN JOHN P. MANAUT

Attorneys for Applicant UNIVERSITY OF HAWAI'I AT HILO

BOARD OF LAND AND NATURAL RESOURCES

STATE OF HAWAI'I

IN THE MATTER OF

Contested Case Hearing Re Conservation District Use Application (CDUA) HA-3568 for the Thirty Meter Telescope at the Mauna Kea Science Reserve, Ka'ohe Mauka, Hāmakua, Hawai'i, TMK (3) 4-4-015:009 Case No. BLNR-CC-16-002

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

The undersigned certifies that electronic copies of Applicant University of Hawai'i at

Hilo's Exhibit List and each exhibit were served upon the following parties by email unless

indicated otherwise:

DLNR Office of Conservation and Coastal Lands ("OCCL") dlnr.maunakea@hawaii.gov

DAVE M. LOUIE, ESQ.
CLIFFORD K. HIGA, ESQ.
NICHOLAS R. MONLUX, ESQ.
Kobayashi Sugita & Goda, LLP
dml@ksglaw.com
ckh@ksglaw.com
nrm@ksglaw.com
Special Deputy Attorneys General for ATTORNEY
GENERAL DOUGLAS S. CHIN, THE DEPARTMENT
OF THE ATTORNEY GENERAL, and DEPUTY
ATTORNEYS GENERAL IN THEIR CAPACITY AS
COUNSEL FOR THE BOARD OF LAND AND
NATURAL RESOURCES and HEARING OFFICER

MICHAEL CAIN
Office of Conservation and Coastal Lands
1151 Punchbowl Street, Room 131
Honolulu, HI 96813
michael.cain@hawaii.gov
Custodian of the Records
(original + digital copy)

WILLIAM J. WYNHOFF, ESQ.
Deputy Attorney General
bill.j.wynhoff@hawaii.gov
Counsel for the BOARD OF LAND AND
NATURAL RESOURCES

J. DOUGLAS ING, ESQ. douging@wik.com

ROSS T. SHINYAMA, ESO.

rshinyama@wik.com Watanabe Ing LLP

Counsel for TMT INTERNATIONAL

OBSERVATORY, LLC

NEWTON J. CHU, ESQ. njc@torkildson.com Torkildson, Katz, Moore, Hetherington & Harris Counsel for PERPETUATING UNIQUE EDUCATIONAL OPPORTUNITIES (PUEO)

RICHARD NAIWIEHA WURDEMAN, ESQ.

rnwurdeman@rnwlaw.com

Counsel for Petitioners MAUNA KEA ANAINA HOU; CLARENCE KUKAUAKAHI CHING; FLORES-CASE OHANA; DEBORAH J. WARD; PAUL K. NEVES; and KAHEA: THE HAWAIIAN ENVIRONMENTAL ALLIANCE

DWIGHT J. VICENTE 2608 Ainaola Drive Hilo, HI 96720-3538

lsa@torkildson.com

(no email; mailing address only)

LINCOLN S.T. ASHIDA, ESQ.

JOSEPH KUALII LINDSEY CAMARA

kualiic@hotmail.com

RICHARD L. DELEON kekaukike@msn.com

HARRY FERGERSTROM

P.O. Box 951

Kurtistown, HI 96750 hankhawaiian@yahoo.com (via email & U.S. mail)

CINDY FREITAS

hanahanai@hawaii.rr.com

WILLIAM FREITAS pohaku7@yahoo.com

TIFFNIE KAKALIA

C. M. KAHOʻOKAHI KANUHA kahookahi@gmail.com

tiffniekakalia@gmail.com

KALIKOLEHUA KANAELE akulele@yahoo.com

BRANNON KAMAHANA KEALOHA brannonk@hawaii.edu

MEHANA KIHOI uhiwai@live.com

GLEN KILA

makakila@gmail.com

MAELANI LEE maelanilee@yahoo.com

JENNIFER LEINA'ALA SLEIGHTHOLM

leina.ala.s808@gmail.com

STEPHANIE-MALIA:TABBADA s.tabbada@hawaiiantel.net

LANNY ALAN SINKIN lanny.sinkin@gmail.com

Representative for the Temple of Lono

HARVEY E. HENDERSON, JR., ESQ., Deputy Attorney General harvey.e.hendersonjr@hawaii.gov

Counsel for the Honorable DAVID Y. IGE, and BLNR Members SUZANNE CASE and STANLEY ROEHRIG

MAUNA KEA ANAINA HOU c/o Kealoha Pisciotta keomaiyg@gmail.com

E. KALANI FLORES ekflores@hawaiiantel.net

DEBORAH J. WARD cordylinecolor@gmail.com

KAHEA: THE ENVIRONMENTAL ALLIANCE c/o Bianca Isaki, Esq. bianca@kahea.org

IVY MCINTOSH

<u>3popoki@gmail.com</u>

Witness for the Hearing Officer

PATRICIA P. IKEDA peheakeanila@gmail.com Witness for the Hearing Officer CLARENCE KUKAUAKAHI CHING kahiwai@cs.com

B. PUALANI CASE puacase@hawaiiantel.net

PAUL K. NEVES kealiikea@yahoo.com

WILMA H. HOLI P. O. Box 368 Hanapepe, HI 96716 Witness for the Hearing Officer (no email; mailing address only)

MOSES KEALAMAKIA JR. mkealama@yahoo.com Witness for the Hearing Officer

DATED: Honolulu, Hawai'i, October 11, 2016.

IAN L. SANDISON TIM LUI-KWAN JOHN P. MANAUT

Attorneys for Applicant UNIVERSITY OF HAWAI'I AT HILO